

Application Number: 10/718,649

2001P80072 WO/US  
Christian Weis**REMARKS/ARGUMENTS*****Claim Status***

After entry of this Amendment, Claims 8, 9 and 15-22 are pending. By this Amendment, Claims 21 and 22 are amended, and Claims 23 and 24 are cancelled. No new matter has been added.

***Claim Rejections – 35 U.S.C. §112***

The Examiner rejects Claim 23 under 35 USC §112, 1<sup>st</sup> paragraph, asserting the negative recitation of the intermediate member preventing the gear ring and hub from making direct contact is not described in the specification so as to enable one skilled in the art to make and/or use the invention. Claim 23 has been cancelled. As the claims, as amended, do not contain the rejected claim recitation, the instant rejection is believed to be moot.

The Examiner rejects Claims 8, 9, 15-24 under 35 USC §112, 1<sup>st</sup> paragraph, asserting that the recitation of “directly joined” in Claim 21 is not described in the specification so as to convey to one skilled in the art that the inventor had possession of the claimed invention. As Claim 21, as amended, does not require the elements being directly jointed, the instant rejection of Claim 21 is believed to be moot.

As to Claims 23 and 24, the Examiner asserts that the limitations concerning the position of hub, gear ring and intermediate member in Claim 23, and the arrangement of the intermediate member to decouple in Claim 24 do not have clear antecedent basis in the original specification. Claims 23 and 24 have been cancelled. The instant rejections of these claims are, therefore, believed to be moot.

Claim 21 is amended to include limitations of now cancelled Claim 23. That is, amended Claim 21 recites that the gear wheel comprises a central axis upon which the gear ring, hub and intermediate element are arranged such that the intermediate element is sandwiched between sides of the gear ring and hub. In this regard, Applicant submits that the original specification provides clear antecedent basis for this limitation.

For example, Fig. 3 is a bottom view of the drive device, and shows the gear wheel 20 as having the hub 24, the intermediate element 32 and the gear ring 22. The gear ring 22, hub 24 and intermediate element 32 are arranged about a central axis, as clearly shown in Fig. 3, but also in Figs. 1 and 2. In Figs. 1 and 2, the part that

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extends from the center of the gear wheel 20 along the central axis is not assigned a reference numeral. Fig. 3 further illustrates that the intermediate element 32 extends from between lateral sides of the hub 24 and the gear ring 22. The intermediate element 32, therefore, is sandwiched between sides of the gear ring 22 and the hub 24.

In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 USC §112, 1<sup>st</sup> paragraph.

***Claim Rejections – 35 U.S.C. §102***

The Examiner rejects Claims 21-24 under 35 USC §102(b) as being anticipated by Baier (U.S. Patent No. 3,406,583). Hence, the Examiner asserts that Baier discloses each and every limitation recited in Claims 21-24. For the reasons set forth hereinafter, Applicant respectfully traverses.

Claim 21 is amended to further recite that the gear wheel comprises a central axis upon which the gear ring, hub and intermediate element are arranged such that the intermediate element is sandwiched between lateral sides of the gear ring and hub. Baier fails to disclose or suggest a locking device, in which, for example, an intermediate element is sandwiched between sides of a gear ring and a hub.

Baier discloses in Figs. 2 and 3 that the web arrangement 22 of the drive mechanism is an integral part of the gear 20 and arranged within an inner part of the gear 20. The web arrangement 22 extends radially from drive means 28. (Col. 1, lines 59-69.) The drive means 28 includes gear 30. Accordingly, Baier's web arrangement 22, even if it is considered an elastic intermediate element, is not sandwiched between sides of the gear ring and hub. Therefore, Baier does not disclose each and every limitation recited in Claim 21, as amended, and, as such, does not anticipate amended Claim 21. Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 USC §102(b), and to pass Claim 21, as amended, to allowance.

Claim 22 depends from Claim 21. For this reason, and because of the additional inventive features recited in Claim 22, Applicant submits that Baier does not anticipate Claim 22. Applicant respectfully requests the Examiner to pass Claim 22 to allowance.

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The Examiner rejects Claims 8, 9, 15-19 and 21-24 under 35 USC §103(a) as being unpatentable over Franz (U.S. Patent No. 6,445,081) in view of Baier. More particularly, the Examiner asserts that Franz discloses an actuating device having, e.g., a motor 1, a worm gear 3 and a control disc, but fails to disclose a wheel having a gear ring, a hub and an elastic intermediate member between the actuating device and the control disc. The Examiner cites Baier as disclosing the features missing in Franz. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify the apparatus of Franz in view of the teachings of "Becker" (Applicant assumes for this discussion that the reference to Becker is in error and that the Examiner meant to refer to Baier. If Applicant is incorrect, Applicant requests clarification) to prevent, e.g., motor damage. Applicant respectfully traverses.

The above discussion of Baier is repeated herewith. As Baier fails to disclose or suggest a locking device, in which, for example, an intermediate element is sandwiched between lateral sides of a gear ring and a hub, even a combination of Franz and Baier does not provide a locking device as defined in Claim 21 as amended.

Accordingly, Applicant submits that Franz and Baier do not render amended Claim 21 obvious. Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 USC §102(b), and to pass Claim 21, as amended, to allowance.

Claims 8, 9, 15-19 and 22 depend from Claim 21. For this reason, and because of the additional inventive features recited in Claims 8, 9, 15-19 and 22, Franz and Baier do not render Claims 8, 9, 15-19 and 22 obvious. Applicant respectfully requests the Examiner to pass Claims 8, 9, 15-19 and 22 to allowance.

In rejecting Claim 20 under 35 USC §103(a), the Examiner asserts that Claim 20 is unpatentable over Franz in view of Baier and further in view of Ginsberg (U.S. Patent No. 3,446,085). The Examiner cites Ginsberg as disclosing an apparatus having a control disc and two stop members. Ginsberg, however, is silent as to the particular arrangement of gear ring, hub and intermediate element, as recited in amended Claim 21. Hence, Ginsberg does not provide the missing teachings in Franz or Baier to render obvious Claim 20. Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 USC §102(b), and to pass Claim 20 to allowance.

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The present response is intended to correspond with the Revised Amendment Format. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

For the above reasons, Applicants respectfully submit that the application is in condition for allowance, and such allowance is herewith respectfully requested.

Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2001P80072WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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